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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

Plaintiff,

v. No. 3:19-CV-8157

MENZIES AVIATION, INC.,
doing business as MENZIES
and DOES 1 through 10,
inclusive,

Defendants.

_____ /

Zoom Remote Deposition of

JOHN QUALLY

Monday, July 27, 2020

Volume I

(Pages 1 through 32)

CERTIFIED COPY

REPORTED BY: CINDY TUGAW, CSR #4805

NOGARA REPORTING SERVICE
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San Francisco, California 94103
(415) 398-1889

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I N D E X

Page Number

EXAMINATION BY MR. URIARTE 4

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E X H I B I T S

Plaintiff's

Exhibit 1 Plaintiff Renaldo 9
Navarro's Notice of
Deposition of John
Qually

Exhibit 2 Missed Punch Form 28

---o0o---

1 BE IT REMEMBERED that, pursuant to Notice of
2 Taking Deposition and on Monday, the 27th day of July,
3 2020, commencing at the hour of 8:58 o'clock a.m.

4 thereof, via Zoom videoconference, before me, CINDY
5 TUGAW, a Certified Shorthand Reporter in the State of
6 California, personally appeared,

7 JOHN QUALLY,

8 Called as a witness by the Plaintiff, having been by me
9 first duly sworn, was examined and testified as
10 hereinafter set forth.

11 ---o0o---

12 APPEARANCES OF COUNSEL

13 For the Plaintiff
LIBERATION LAW GROUP, P.C.
14 2760 Mission Street
San Francisco, California 94110
15 BY: ARLO GARCIA URIARTE, Attorney at Law
16 (415) 695-1000

17 For the Defendants
FOLEY & LARDNER, LLP
18 555 California Street, Suite 1700
San Francisco, California 94104
19 BY: JASON Y. WU, Attorney at Law
20 (415) 984-9848

21 Also Present: David Ho, Zoom Host.

22 ---o0o---

1 managers, is that what it was?

2 A. Yes.

3 Q. And how many duty managers were there at that
4 time?

5 A. Four.

6 Q. Four duty managers. And then with regards to
7 you, were the supervisors assigned to specific duty
8 managers or was it just who the duty manager was on
9 that day?

10 A. It was basically the manager who was on duty
11 that day.

12 Q. So then if you were working on a shift wherein

13 Mr. Navarro was there, then you would be supervising

14 Mr. Navarro. That's how it worked?

15 A. Yes.

16 Q. Gotcha. And then, so it's the supervisors,
17 then the duty managers, and then who else above the
18 duty managers?

19 A. It would be the general manager.

20 Q. And then anybody above the general manager?

21 A. Now we have a director.

22 Q. So there is a director on-site now?

23 A. Yes.

24 Q. But in 2018, no?

25 A. Not that I recall, no.

1 head at this time.

2 Q. Okay. Great. Thank you very much.

3 And then there was a person by the name of
4 Jeff who was from Seattle who was helping out. Do you
5 remember that?

6 A. Jeff Stevenson, yes.

7 Q. And what was his role, do you remember?

8 A. To the best of my knowledge, he was in town
9 helping out the new managers, you know, director and
10 GM, get into the station, to the best of my knowledge.
11 But I never -- you know, he had multi different tasks
12 in this station, but what his actual role was, I don't
13 know.

14 Q. Okay. Sounds good. Were you involved in the
15 decision-making with regards to the suspension for Ray
16 Navarro?

17 A. No.

18 Q. So you were not asked by any of the managers,
19 "Hey, what's your opinion on this, do you think it's
20 correct for us to suspend Mr. Navarro?"

21 A. No.

22 Q. No, okay. Were you at the meeting where Ray
23 Navarro was -- where it was communicated to Ray Navarro
24 that he was going to be suspended?

25 A. No. If you -- no.

1 MR. WU: And, John, we don't want you to guess
2 today. It's a forbidden word that makes attorneys'
3 ears perk up a little bit.

4 THE WITNESS: Yeah.

5 MR. WU: If you have an idea, please let us know,
6 but, otherwise, don't guess.

7 THE WITNESS: Okay.

8 MR. URIARTE: Q. What about with regards to the
9 termination? Were you involved at all in the
10 decision-making behind the decision to terminate Ray
11 Navarro?

12 A. No.

13 Q. So nobody asked for your opinion? You never
14 gave your opinion?

15 A. No.

16 Q. Did you do any investigation or ask around,
17 anything like that?

18 A. No.

19 (Discussion off the record.)

20 MR. URIARTE: Q. Do you remember seeing the
21 petition that was going around against Andrew Dodge
22 before Mr. Navarro was terminated?

23 A. No.

24 Q. So what about today, like, have you seen that
25 petition today? Have you seen it since his termination

1 at all?

2 MR. WU: I'm going to object here on grounds of
3 attorney-client privilege and instruct the witness to
4 answer only as to whether he's seen the document
5 outside of any confidential or communications with his
6 attorneys.

7 MR. URIARTE: Q. That's correct, Mr. Qually, yes.
8 So my question really is whether you've ever seen the
9 -- either of the petitions, either of the two petitions
10 that were circulated, and not because your attorney
11 showed it to you but because of other events.

12 A. As I said, no.

13 Q. Would it be accurate to state that as a duty
14 manager, that Andrew Dodge is an employee that you
15 would have been supervising?

16 A. At some point, yes.

17 Q. And so it wasn't like an interest of yours to
18 figure out what it is that the fuelers were complaining
19 about against Dodge? That wasn't an interest of yours?

20 MR. WU: Objection. Vague.

21 You can answer if you understand the question.

22 THE WITNESS: I did not hear complaints directly
23 from the fuelers.

24 MR. URIARTE: Q. Okay. So you're saying none of
25 the fuelers ever came up to you and said, hey, these

1 started serving the suspension? Do you see what I'm
2 saying?

3 A. He -- best of my knowledge, he had not served
4 his suspension.

5 Q. So he didn't start serving the suspension
6 until you tried to serve him the suspension notice, is
7 that correct?

8 A. To the best of my knowledge, yes.

9 Q. Okay. Did you leave him with a copy?

10 A. He had a copy, yes.

11 Q. When you say he had a copy, was the copy --
12 the copy that he had, that came from you or --

13 A. He took a picture of it with his phone.

14 Q. I see. Okay. So, okay. All right. And then
15 let me just read under goal and the expectation part
16 there, it says, "It is expected that employees will
17 follow all policies and procedures. Failure to follow
18 Company policies and procedures will result in further
19 disciplinary action up to and including termination."

20 Do you read that?

21 A. Yes.

22 Q. Are you knowledgeable at all with regards to
23 the policies and procedures that this notice was
24 talking about?

25 A. Directly, no.

1 Q. It says "Failure to follow Company policies
2 and procedures..." Do you know what company policies
3 and procedures that he failed to follow?

4 A. Let's see. I can't remember off my head, no.

5 Q. Do you have an opinion as to why he was
6 suspended or terminated from Menzies, like, do you know
7 the specific violation that he may have violated?

8 Do you have any kind of memory as to that, or
9 what's your memory with regards to that?

10 MR. WU: Objection. Compound. Lack of
11 foundation.

12 You can answer if you understand the question.

13 THE WITNESS: Can you repeat it.

14 MR. URIARTE: Q. Yeah. So sitting here today and
15 looking back at the suspension and the termination, we
16 know that Menzies -- Menzies' position is he violated
17 certain policies and procedures, right?

18 So just kind of talking about that, do you
19 have a memory or an understanding in your head what it
20 is that Mr. Navarro actually violated to justify his
21 termination?

22 MR. WU: Same objection.

23 THE WITNESS: To justify, looking back now?

24 MR. URIARTE: Q. Yes.

25 A. I can't think of it off my head, no. I can't,

1 me, but that's it.

2 MR. URIARTE: Q. And did Mr. Dodge have any
3 opinion or did he kind of have his position as to why
4 these breaks were short -- I mean, the breaks weren't
5 happening, or the breaks were late, or anything like
6 that?

7 Did Andrew Dodge try to explain himself as to
8 why those things were happening?

9 MR. WU: Objection. Assumes facts not in
10 evidence.

11 THE WITNESS: Yes.

12 MR. URIARTE: Q. And what would he say in those
13 discussions?

14 A. He gave me the explanation of what happened
15 during the night and why some fuelers weren't able to
16 get a longer break than they did or any break at all.
17 And that's it, you know.

18 We -- there is a policy where, if they don't
19 get a break, they get a missed meal penalty. So they
20 get paid for their lunch.

21 Q. Did you ever have a discussion with a Rafael
22 Vasquez about Andrew Dodge?

23 A. I might have at one point. I don't recall.

24 Q. And what do you remember as to that
25 discussion?

1 MR. WU: Objection. Lack of foundation.

2 THE WITNESS: I don't recall what was talked about
3 in that conversation.

4 MR. URIARTE: Q. So -- okay. So let's just kind
5 of clarify. Are you saying maybe you had a discussion
6 with him about Andrew Dodge and maybe not? Or you may
7 recall a particular discussion, you just don't remember
8 the contents of it? Is that -- yeah, can you just
9 clarify the nature of your memory?

10 A. We probably had a conversation, but what we
11 talked about, I don't recall.

12 Q. Let me show you Exhibit 10. So Exhibit 10 is
13 a statement from Rafael Vasquez, I guess, about his
14 efforts to talk to Raul Vargas about something about
15 Andrew Dodge. If you see the date below, it says
16 November 2018. Do you see that?

17 A. Yes.

18 Q. Does this refresh your recollection as to
19 about when you may have talked to Rafael Vasquez about
20 Andrew Dodge?

21 A. No. And, for the record, I have not seen this
22 before.

23 Q. Okay. Maybe another way of putting it is did
24 you talk to Rafael Vasquez before Mr. Navarro was
25 terminated or after his termination? Do you remember

1 that at all?

2 A. If I talked to Rafael, it would have been
3 before.

4 Q. So here he says something about "I have spoken
5 to The Menzies Aviation Fueling Director Raul Vargas on
6 three separate occasions regarding Mr. Andrew Dodge,
7 who continues to abuse his authority and at times
8 harass Fuelers under his charge."

9 Do you have any information or knowledge with
10 regards to that allegation, "continues to abuse his
11 authority and at times harass Fuelers under his
12 charge"?

13 Does that ring a bell at all, Mr. Qually?

14 A. No.

15 Q. And in the complaint that you received against
16 Andrew Dodge, was there any type of language along
17 these lines or actions along these lines, like
18 harassing, abusing authority?

19 Was that the types of complaints that you
20 received?

21 A. No.

22 Q. So you received complaints about meal breaks
23 and rest breaks, but nothing about harassing fuelers,
24 right? You never heard that type of complaint?

25 A. Correct.